

ENTERED

November 30, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

MAURO HINOJOSA,

Plaintiff.

V.

CALLAN MARINE LTD., *et al.*,

Defendants.

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CIVIL ACTION NO. 3:22-cv-00233

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On October 20, 2022, Defendant Callan Marine Ltd.'s Motion to Dismiss Plaintiff's Original Complaint or, Alternatively, Motion to Strike Jury Demand (Dkt. 11) was referred to United States Magistrate Judge Andrew M. Edison. Dkt. 18. Judge Edison filed a memorandum and recommendation on November 10, 2022, recommending that the motion to dismiss be granted in part and denied in part, and that the motion to strike the jury demand be denied. Dkt. 21.


No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's memorandum and recommendation (Dkt. 21) is approved and adopted in its entirety as the holding of the court; and

- (2) Callan Marine Ltd.'s Motion to Dismiss Plaintiff's Original Complaint or, Alternatively, Motion to Strike Jury Demand (Dkt. 11) is granted in part and denied in part. Specifically, Hinojosa's unseaworthiness claim is dismissed for failure to state a claim. All other claims are allowed to proceed through discovery. The motion to strike the jury demand is denied.

SIGNED on Galveston Island this 30th day of November 2022.


JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE